

ORDINANCE NO. 2017-___

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE TEXT OF MIXED USE POLICY 5.6 OF THE FUTURE LAND USE ELEMENT OF THE COUNTY'S COMPREHENSIVE PLAN; AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Indian River County Comprehensive Plan on February 13, 1990; and

WHEREAS, the County received Comprehensive Plan amendment applications during its October 2016 amendment submittal window; and

WHEREAS, the Local Planning Agency, after due public notice, held a public hearing on this comprehensive plan amendment request on January 26, 2017, and

WHEREAS, the Local Planning Agency, after receiving public comments, recommended that the Board of County Commissioners transmit the comprehensive plan amendment listed below to State and Regional review agencies; and

WHEREAS, the Board of County Commissioners of Indian River County held a Transmittal Public Hearing on March 7, 2017, after due public notice, and

WHEREAS, the Board of County Commissioners approved the transmittal of this comprehensive plan amendment to State and Regional review agencies; and

WHEREAS, the Board of County Commissioners announced at the transmittal public hearing its intention to hold an advertised final public hearing at the adoption stage of this plan amendment; and

WHEREAS, the Comprehensive Plan Amendment was transmitted to State and Regional review agencies; and

WHEREAS, State and Regional review agencies had no objections to this amendment; and

WHEREAS, the Board of County Commissioners held a Comprehensive Plan Amendment Adoption Public Hearing on July 11, 2017, after due public notice.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, Florida, that:

SECTION 1. Comprehensive Plan Amendment Adoption and Transmittal

The amendment to the Indian River County Comprehensive Plan identified in Section 2 is hereby adopted, and the Board of County Commissioners directs staff to transmit the amendment to the State and Regional review agencies.

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SECTION 2. Amendment to the Comprehensive Plan

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE TEXT OF MIXED USE POLICY 5.6 OF THE FUTURE LAND USE ELEMENT OF THE COUNTY'S COMPREHENSIVE PLAN (APPENDIX A); AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

SECTION 3. Repeal of Conflicting Provisions

All previous ordinances, resolutions, or motions of the Board of County Commissioners of Indian River County, Florida, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Severability

It is declared to be the intent of the Board of County Commissioners that, if any provision of this ordinance and therefore the Indian River County Comprehensive Plan Amendment is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

SECTION 5. Effective Date

The effective date of this ordinance and, therefore, this plan amendment shall be 31 days after the State Land Planning Agency determines that the amendment package is complete, unless a petition is filed by an affected party.

This ordinance was advertised in the Press-Journal on the 26th day of June, 2017, for a public hearing to be held on the 11th day of July 2017, at which time it was moved for adoption by Commissioner_____, seconded by Commissioner_____, and adopted by the following vote:

Joseph E. Flescher, Chairman	_____
Peter D. O'Bryan, Vice Chairman	_____
Susan Adams, Commissioner	_____
Bob Solari, Commissioner	_____
Timothy Zorc, Commissioner	_____

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BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Joseph E. Flescher, Chairman

ATTEST BY: _____
Jeffrey R. Smith, Clerk of Court and Comptroller

This ordinance was filed with the Department of State on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

Stan Boling, AICP; Community Development Director

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FLUE Revisions - July 2017\Attachment 11 Comp Plan Text Amendment Adoption Ordinance - July 2017.docx

APPENDIX A - MIXED USE POLICY 5.6

Policy 5.6: By 2011, Indian River County shall adopt development regulations allowing mixed use PDs in residentially-designated areas. All mixed use PDs in residentially designated areas shall meet all of the following criteria:

Development Parameters

1. The maximum project area for a mixed use PD in a residential area shall be 40 acres unless the property is located within the SR 60/IRSC preferred location area. The SR 60/IRSC preferred location area is an area adjacent to the SR 60/58th Avenue Commercial/Industrial Node, the SR 60/66th Avenue intersection, and the Indian River State College campus. In the SR 60/IRSC preferred location area, the maximum mixed use PD project area shall be 80 acres. Mixed use projects not located in the SR 60/IRSC preferred location area exceeding 40 acres shall be designed as Traditional Neighborhood Design (TND) developments and shall comply with Future Land Use Element Policies 18.1, 18.2, and 18.3.
2. Mixed use PDs shall be limited to areas designated L-1, L-2, M-1, and M-2 and shall be located along SR 60, US 1, Indian River Blvd., 58th Avenue, CR 510 (west of the Indian River Lagoon), CR 512, or Oslo Road. Alternatively, mixed use PDs in M-1 and M-2 designated areas may be located on sites that are adjacent to C/I nodes.

Mix of Uses

3. To ensure that mixed use PDs contain an appropriate mix of residential and commercial uses, commercial uses shall be allowed to constitute no more than 25% (up to 50% in the SR 60/IRSC preferred location area, not to exceed a total of 30 acres of commercial area) of a project's land area.
4. The vertical mixing of uses is allowed and strongly encouraged. Where residential and/or office uses are designed and located above commercial uses, the amount of commercial area may constitute up to 30% (up to 60% in the SR 60/IRSC preferred location area, not to exceed a total of 30 acres of commercial area) of the project's land area.
5. For purposes of these mixed use regulations, commercial area shall include buildings, parking areas, and adjacent improvements that serve commercial uses. Open space areas and common areas/improvements that are shared with residential uses, however, shall not be treated as commercial area.
6. Commercial uses allowed in mixed-use PDs shall be limited to lodging, institutional, office, retail (including fuel sales), personal service, and restaurant uses, and live/work/commercial flex space.
7. Within mixed use PDs, the Floor Area Ratio (FAR) for commercial uses shall be applied to the commercial area. For the commercial area, the maximum FAR shall be 0.35.

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8. Within mixed use PDs, the maximum number of allowable residential units shall be derived by applying the applicable comprehensive plan land use designation density allowance to the entire area of the project and, in addition, may include any applicable density bonuses.
9. Within mixed use PDs, commercial areas may be internal to the project or may be located along a project's boundary, where such boundary abuts a thoroughfare road or is adjacent to C/I-designated property. Where such commercial uses would face residential uses located outside the project, buffering and compatibility improvements shall be required to mitigate any adverse impacts.
10. On-street parking shall be allowed within mixed use projects.
11. All mixed use PDs shall be designed to include a transit stop within the project.

Building Design and Setbacks

12. Within mixed use PDs, common architectural themes, common hardscape and signage themes, and multiple pedestrian connections shall be required to integrate nonresidential uses with residential uses. Common architectural themes shall apply to both commercial and residential areas of the project.
13. Within mixed use PDs, no individual commercial building shall exceed 25,000 sq. ft. (up to 60,000 sq. ft. in the SR 60/IRSC preferred location area) in commercial floor area. Lodging uses shall be exempt from this these limitations.
14. Where a nonresidential building in a mixed use PD is adjacent to residential buildings located outside the project, the nonresidential buildings shall be compatible with nearby residential buildings. The scale of such nonresidential buildings may be minimized by articulating the building's mass, using sloped roofs instead flat roofs screened by parapets, and/or by planting canopy trees around the building's foundation. For residential buildings adjacent to a mixed use PD, an existing buffer may be used to satisfy the compatibility requirement.

Street Network

15. Each mixed use PD shall offer alternative routes and connections between destinations within the project and to appropriate uses on adjacent sites by designing and constructing a street network that consists of a grid or modified grid pattern that accommodates connections to appropriate uses on adjacent sites.
16. The project shall contain a network of interconnected streets, sidewalks, and pathways. Streets shall be designed to balance pedestrian and automobile needs, to discourage high automobile speeds, to effectively and efficiently accommodate transit systems, and to distribute and diffuse traffic rather than concentrate it.

APPENDIX A - MIXED USE POLICY 5.6

17. Street trees shall be provided so as to shade sidewalk areas and buffer sidewalk areas from automobile traffic.

18. For a mixed use project located in the SR 60/IRSC preferred location area, the project shall provide the following:

- a. SR60 access to the IRSC campus in coordination with Indian River State College and County Public Works.
- b. Access from the IRSC campus to 66th Avenue at 18th Street, including a bridge over the Lateral A Canal, and including 66th Avenue/18th Street signalization, in coordination with Indian River State College and County Public Works.

Timing of Construction

19. ~~18.~~ In each mixed use PD not located in the SR 60/IRSC preferred location area, no more than 3 acres or 50% of the total commercial area allowed, whichever is greater, shall be constructed until at least 25% of the proposed residential development has been constructed, and no certificate of occupancy shall be issued for commercial area exceeding 3 acres or 50% of the total commercial area allowed, whichever is greater, unless at least 25% of the total residential development has received certificates of occupancy.

20. For a mixed use PD project located in the SR 60/IRSC preferred location area, no more than 15 acres not to exceed 50% of the total commercial area allowed shall be constructed until:

- a) the infrastructure items in Section 18 above have been constructed or designed and committed to via an enforceable developer's agreement, and
- b) a conceptual or final development plan for the residential development has been approved, and
- c) the infrastructure that serves the residential portion of the project has been constructed or designed and committed to via an enforceable developer's agreement.